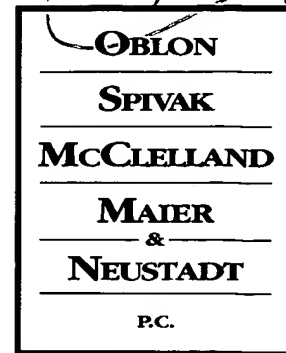




RECEIVED  
AUG 06 2003  
TC 1700

Docket No.: 216202US3

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER  
(703) 413-3000  
GMAIER@OBLON.COM

AKIHIRO YAMAZAKI  
(703) 413-3000  
AYAMAZAKI@OBLON.COM

RE: Application Serial No.: 09/988,559  
Applicants: Kenya WADA, et al.  
Filing Date: November 20, 2001  
For: METHOD AND APPARATUS FOR TREATING  
SURFACE OF SUBSTRATE PLATE  
Group Art Unit: 1763  
Examiner: HASSANZADEH, P

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT  
REQUEST FOR EXTENSION OF TIME (1 month)**

Our check in the amount of \$110.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Akihiro Yamazaki

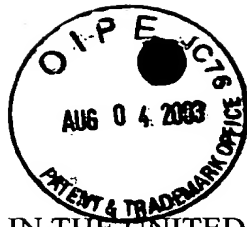
Registration No. 46,155



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(703) 413-3000 (phone)  
(703) 413-2220 (fax)  
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216202US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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IN RE APPLICATION OF:

:

Kenya WADA, et al.

: EXAMINER: HASSANZADEH, P

SERIAL NO: 09/988,559

:

FILED: NOVEMBER 20, 2001

: GROUP: 1763

FOR: METHOD AND APPARATUS FOR  
TREATING SURFACE OF SUBSTRATE PLATE

# 7  
8/17/03  
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**RESPONSE TO RESTRICTION AND  
ELECTION OF SPECIES REQUIREMENT**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated June 4, 2003, Applicants provisionally elect Group (Invention) I, Claims 1-4, drawn to methods, classified in class 438, subclass 708. Furthermore, in response to the Election of Species requirement in the same Office Action, Applicants respectfully submit, as discussed during the telephone communication of July 21, 2003 with Examiner Hassanzadeh, that Claims 1-4 are readable to all of the species listed therein.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that "[t]he inventions are distinct, each from the other" under MPEP § 806.05(e), because "[i]n this case the method can be used for processing a stationary substrate plate rather than a substrate plate that is transferred horizontally by a conveyer device." However, without further information, such a finding

lack grounds upon which it can be evaluated whether in fact the proposed alternative is “materially different” under MPEP §806.05(e). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP § 803 states the following:

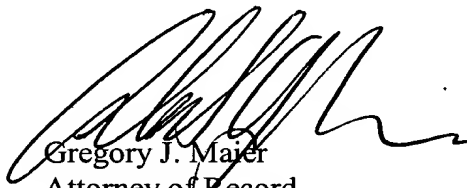
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claims 1-4 are directed to methods for treating a surface of a substrate plate, while Claim 5-11 are directed to apparatus for treating a surface of a substrate plate. Hence, it appears that the claims in the present application are part of an overlapping search area and that a search for Claims 1-4 would necessarily include the class and subclass required for searches directed to Claims 5-11 as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP § 803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-11 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No: 25,599  
Akihiro Yamazaki  
Registration No: 46,155



**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
GJM/AY:fm  
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